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PATENTS OFFICE

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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Anton J. Hopen
Attn:	Michael Lewis	Client:	1372.48
Fax:	(703) 872-9005	Pages:	9 including coversheet
Phone:		Date:	August 30, 2002
Re:	USPN 10/064,512	CC:	
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

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PETITIONS OFFICE

August 30, 2002

Transmitted by Fax to Michael Lewis at 703-872-9005
Assistant Commissioner for Patents
Washington, D.C. 20231

Applicant: Loree Heller et al.

Serial No.: 10/064,512

Filed: 07/23/2002

For: Method of Enhancing Therapeutic Effect of Nucleic Acids

Our Reference No.: 1372.48

Examiner: Unassigned

Art Unit: 1614

Dear Sir:

Enclosed please find the following:

1. Petition to Accept Color Photographs and Suspend Rules having a Certificate of Facsimile Transmission dated August 30, 2002;
2. Credit Card Payment Form PTO-2038 in the amount of \$260.00 to cover the appropriate fees set forth in 37 C.F.R. 1.17(g); and
3. Preliminary Amendment having a Certificate of Facsimile Transmission dated August 30, 2002.

Very respectfully,

SMITH & HOPEN

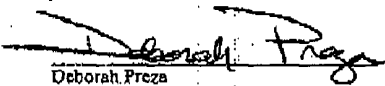
By: Anton J. Hopen

anton.hopen@baypatents.com

AJH/dp
Encl.**CERTIFICATE OF FACSIMILE TRANSMISSION**
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this correspondence and its enclosures are being transmitted by fax to the United States Patent and Trademark Office,
Attn: Michael Lewis at 703-872-9005 on August 30, 2002.

Date: August 30, 2002


Deborah Preza

Attorney-Client Privileged Communication

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Received from <7275078668> at 8/30/02 3:04:25 PM [Eastern Daylight Time]

Docket: 1372.48

PATENTS #2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Loree Heller et al.

Serial No.: 10/064,512

Filed: 07/23/2002

For: Method of Enhancing Therapeutic
Effect of Nucleic Acids

Examiner: Unassigned

Art Unit: 1614

FAX RECEIVED

AUG 30 2002

PATENTS OFFICE

Transmitted by Fax to Michael Lewis at 703-872-9005
Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO ACCEPT COLOR PHOTOGRAPHS AND SUSPEND RULES

37 C.F.R. § 1.84(a)(2) and 37 C.F.R. § 1.183

Sir:

Color Photographs

Pursuant to 37 C.F.R. § 1.84(b), Applicant respectfully requests that the color photograph(s) electronically transmitted by electronic filing be accepted. The photograph(s) is/are necessary to illustrate histology slides which are incapable of being accurately or adequately depicted by India ink drawings. Office representative Michael Lewis has indicated that the electronically filed photographs are of sufficient quality such that all details in the photograph are reproducible in the resultant patent. The Office has also indicated that the electronically filed images will be printed at the Office and submission of hard copies (provided in 37 C.F.R. § 1.84(a)(2)(ii)) is not required.

A preliminary amendment is transmitted herewith adding the following language to the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the Office upon request and payment of the necessary fee.

08/30/2002 AKELLEY 00000013 500745 10064512

01 C:122 130.00 CH
02 D:122 130.00 CH

Page 1

Ser. No. 10/064,512

Suspension of Rules

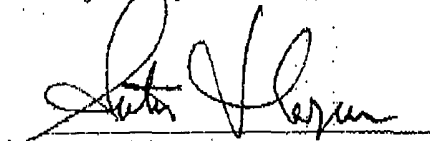
At the direction of the Office, Applicant respectfully requests the suspension of 37 C.F.R. § 1.84(2), third sentence which provides:

Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system."

The appropriate fee set forth in 37 C.F.R. 1.17(g) for the Petition to Accept Color Photographs and for the Suspension of Rules is also attached.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required, or to credit any overpayment to Deposit Account No. 500745.

Respectfully submitted,



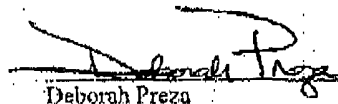
Anton J. Hopen
Registration No. 41,849

Smith & Hopen, P.A.
15950 Bay Vista Drive
Suite 220
Clearwater, FL 33760
Our Reference No.: 1372.48

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Petition, including a Preliminary Amendment and Exhibit A, is being transmitted by fax to the United States Patent and Trademark Office, Attn: Michael Lewis at 703-872-9005 on August 30, 2002.

Dated: August 30, 2002



Deborah Preza